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No Fee Pur. Gov't Code 6103

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 HILL RHF HOUSING PARTNERS, L.P.;
12 OLIVE RHF HOUSING PARTNER, L.P.,

Petitioners/Plaintiffs,

14 vs.

15 CITY OF LOS ANGELES *et al*,

16 Respondents/Defendants.

CASE NO.: BS170127

**DECLARATION OF DANIEL M.
WHITLEY IN OPPOSITION TO
MOTION TO COMPEL**

Date: June 13, 2018
Time: 9:30 a.m.
Place: Dept. 86

Complaint filed: July 18, 2012

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25 ///

26 I, Daniel M. Whitley, declare as follows:
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1 1. I am an attorney employed by the Los Angeles City Attorney's office. I represent
2 Respondent the City of Los Angeles (the "City") in the above-referenced case.

3 2. During the meet and confer process relating to this matter I had one telephone conference
4 with Petitioners' counsel. Most of that conference addressed the City's responses to Form
5 Interrogatories.

6 3. The majority of this discussion dealt with the Interrogatory responses. This was largely
7 because I did not understand Petitioners' position with respect to providing "facts" in support of denials
8 of requests for admissions. Here, Petitioners continually argued that the City failed to provide "facts" to
9 support its responses to requests for admissions. I said that the City was pretty clearly relying solely on
10 records from the Administrative Record and had cited to those records. I said that I had no idea what
11 else Petitioners needed or wanted, and asked for examples of a "fact" we could provide other than citing
12 to the Record.

13 4. Among other things, I suggested that the City could provide the "fact" that various
14 documents did contain the requested statement, but I pointed out that would add nothing to the City's
15 denial itself and so did not seem proper. I offered that the City could quote relevant parts of the
16 documents, but since the documents themselves exist that also did not seem proper.

17 5. Petitioners agreed that those responses would not be proper, but that the City still needed
18 to provide "facts." When I asked for further clarification, I was told they wanted "facts" as required by
19 the Code. I again asked what that could possibly mean other than citing to supporting documents, and
20 was again pointed to the Code itself.

21 6. At no point did Petitioners ask for a summary of responsive documents. Petitioners never
22 argued that the City's response was improper because it failed to specifically cite to Section 2030.230 or
23 to specifically say that the response would require a summary.

24 7. The only reason the City served discovery in this case was to find any extra-record
25 evidence Petitioners may possess. On January 31, 2018, after the Court's ruling on related motions to
26 enter judgment, I made it clear in a post-hearing meeting that the only discovery responses I was seeking
27 was whether any extra-record evidence was at issue and if so what that evidence was.
28

1 8. Petitioners also complained that some of the referenced documents did not address the
2 topics of some of the Requests. The City agreed that was a fair complaint and I offered to provide more
3 limited references, but I argued that was largely pointless as it is pretty clear which Requests require
4 looking at the record as a whole and which point to only a few limited records. I also said that for most
5 of the Requests the City did rely on all of the documents. Petitioners did not press this issue and
6 appeared to drop it in later correspondence.

7 9. Otherwise we have had only written communications regarding discovery.

8 10. I graduated from UCLA School of Law in 1994. I have continuously practiced law since
9 I was admitted to the State Bar of California. I was an associate at LeBoeuf, Lamb, Greene and Macrae
10 for several years, was a Senior Attorney at the Los Angeles District Counsel of the Department of the
11 Treasury, and have been employed by the Los Angeles City Attorney's Office since 2002. I am
12 admitted to and have practiced law in every level in the United States, including the California Appellate
13 Courts, the United States Appellate Courts, and the United States Supreme Court. I am a specialist in
14 public finance. Attorneys with my experience, specialization and expertise generally charge at least
15 \$550 per hour.

16 11. Lead counsel for Petitioners in this matter is charging his client \$625 per hour. I am at
17 least as qualified, experienced and competent in this area of law and the City should be compensated at
18 least that amount for my services.

19 12. I have spent 17.5 hours addressing this Motion, amounting to a sum of \$15,000 as
20 follows:

- 21 a. May 21, 2018: 1.5 hours reviewing the discovery pleadings and discussing with
22 client;
- 23 b. May 23, 2018: 2.5 hours drafting Opposition, further research
- 24 c. May 24, 2018: 2.5 hours reviewing and revising Opposition
- 25 d. May 25, 2018: 4.5 hours preparing and drafting the Separate Statement of Facts
- 26 e. May 29, 2018: 5.5 hours finalizing the Opposition, the Separate Statement, and my
27 declaration;
- 28 f. May 30, 2018: 1 hour reviewing final pleadings for filing and overseeing filing.

1 Of the hours spent on this Opposition, I estimate that 6.75 hours were spent solely addressing
2 duplicative discovery requests up to this point. I estimate that 3.25 hours spent on drafting the
3 Opposition and this Declaration focused on this issue, and 3.5 hours spent on drafting the Separate
4 Statement were spent on this issue. I expect that another 2 hours will be spent reviewing further
5 pleadings by Petitioners on this issue and in court for the hearing.

6 13. I expect to spend at least another 3 hours reviewing further pleadings by Petitioners and
7 at least 2 hours in court for the hearing, for a total of 21.5 hours spent on this matter for a sum of
8 \$12,812.50 at a billing rate of \$625 per hour. This is a reasonable amount of time and money to spend
9 to contest Petitioners' claims.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct.

13
14 DATED: May 30, 2018

15 By



DANIEL M. WHITLEY

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PROOF OF SERVICE

I, Cynthia Marchena, declare as follows: I am employed in the County of Los Angeles, California. I am over the age of 18 and not a party to the within action. My business address is 200 N. Main St., Rm. 920 C.H.E., and Los Angeles, California 90012.

On May 30, 2018, I served the foregoing document described as **DECARATION OF DANIEL M. WHITLEY IN OPPOSITION TO MOTION TO COMPEL**, on the interested parties in this action by placing a ☒ true copy ☐ original copy thereof enclosed in a sealed envelope addressed as follows:

Timothy D. Reuben, Esq.
REUBEN RAUCHER & BLUM
12400 Wilshire Blvd., Ste. 800
Los Angeles, CA 90025

Michael G. Colantuono, Esq.
Holly O. Whatley, Esq.
Pamela K. Graham, Esq.
Colantuono, Highsmith & Whatley, PC
790 East Colorado Blvd., Ste. 850
Pasadena, CA 91101

Stephen Raucher, Esq.
Email address: sraucher@rrbattorneys.com

Pamela K. Graham, Esq.
Email address: pgraham@chwlaw.us

☒ **MAIL** - I caused such envelope to be deposited in the United States mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I caused such envelope to be deposited in the mail at Los Angeles, California, with first class postage thereon fully prepaid.

☒ **E-MAIL TRANSMISSION** - I caused such document to be transmitted in a PDF format to the offices of the addressee via e-mail on the date specified above.

☐ **Federal** - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

☒ **State** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 30, 2018, at Los Angeles, California.


Cynthia Marchena